

**Mailed**

MAY 14 2001

Technology Center 2100

Paper No. 5

Pillsbury Madison & Sutro, LLP
Intellectual Property Group
Ninth Floor, East Tower
1100 New York Avenue, N.W.
Washington, DC 20005-3918

In re Application of: Robert Schaefer et al.)
Application No. 09/741,008)
Filed: December 21, 2000)
For: PERFORMANCE PATH METHOD) **DECISION ON PETITION FOR**
AND APPARATUS FORR) **ACCELERATED EXAMINATION**
EXCHANGING DATA AMONG) **UNDER M.P.E.P. §708.02(VIII)**
SYSTEMS USING DIFFERENT)
DATA FORMATS)

This is a decision on the petition, filed February 12, 2001 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);

(b) Presents all claims directed to a single invention, ...

(c) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

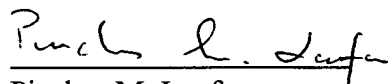
(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, *applicant will be notified and the defects in the request will be stated*. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient merely reproduces the Abstracts provided in each of the references and then provides a narrative statement of the invention accompanied by a conclusory statement that the application claims subject matter not anticipated or suggested by the references. The discussion does not point out how the *claimed subject matter is patentable over the references* and there is no *detailed discussion* of the references. That is, the detailed discussion of the references as required by section (e) does not have the particularity required by 37 CFR 1.111(b) and (c).

Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160